

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GENEVA PARKE	)	
	)	
COMPLAINANT	)	
	)	
VS.	)	CASE NO. 93-287
	)	
KENTUCKY ENERGY TRANSMISSION, INC.	)	
	)	
DEFENDANT	)	

O R D E R

Geneva Parke has brought an action against Kentucky Energy Transmission, Inc. ("KET") alleging that KET failed to make annual easement payments required by the terms of an easement agreement executed by Parke and her late husband to Apache Oil and Gas Transmission, Inc., KET's predecessor in interest. Parke requests that KET be required to make the past due annual easement payments or, in the alternative, the original easement be declared null and void. Finding that the Commission lacks the authority to grant the requested relief, we dismiss the complaint.

The Commission's jurisdiction extends to utilities and their rates and service. KRS 278.040(2). The Commission also possesses the authority to enforce the provisions of KRS Chapter 278 and regulations promulgated pursuant thereto. KRS 278.040(1). The relief which Parke seeks, however, falls in neither category. It does not relate to a utility's rates and service nor does it seek

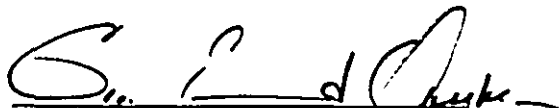
the enforcement of a provision of KRS Chapter 278 or Commission regulation.

KRS 278.260, furthermore, does not confer upon us the authority to hear Parke's complaint. The Commission has not been delegated the authority to adjudicate contract claims for unliquidated damages or conflicting property claims. Carr v. Cincinnati Bell, Inc., Ky.App., 651 S.W.2d 126 (1983). The Courts of this Commonwealth have categorically rejected the contention that this Commission is "empowered or equipped to handle such claims consistent with constitutional requirement." Id. at 128.

IT IS THEREFORE ORDERED that the Complaint is dismissed.

Done at Frankfort, Kentucky, this 23rd day of August, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director